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UNITED STATES DISTRICT
DISTRICT OF MASSACHUSETTS

KIRA WAHLSTROM,
Plaintiff

VS.

NO. 1:22-CV-10792-RGS

DAVID J. HOEY, LAW OFFICES OF
DAVID J. HOEY, P.C., DON C. KEENAN
AND D.C. KEENAN & ASSOCIATES, P.C.,
D/B/A THE KEENAN LAW FIRM, P.C.,
Defendants

AUDIO-VIDEO ZOOM DEPOSITION OF
KRZYSZTOF G. SOBCZAK, a witness located at
619 Boylston Street, Newton, Massachusetts,
called by and on behalf of the Plaintiff,
Kira Wahlstrom, pursuant to the provisions
of the Rules of Civil Procedure, before
Joan Applegate, a Certified Shorthand
Reporter and Notary Public in and for the
Commonwealth of Massachusetts, on Tuesday,
March 21, 2023 commencing at 10:04 a.m.

APPEARANCES BY ZOOM:

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Kira Wahlstrom;

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On behalf of the Defendant,
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On behalf of the Keenan Kids Foundation;

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ALSO PRESENT BY ZOOM:

Cameron Dunn, Videographer
Dunn Reporting Services, Inc.

I N D E X

DEPONENT

Krzysztof G. Sobczak	
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P R O C E E D I N G S

THE VIDEOGRAPHER: We are on the record. This is the beginning of Media No. 1 in the deposition of Krzysztof Sobczak in the matter of Kira Wahlstrom Vs. David Hoey, Law Offices of David J. Hoey, et als. in the United States District Court for the District of Massachusetts, Case No: 122-CV-10792-RGS.

This deposition is taking place with Zoom video conference with all participants attending remotely from various locations on March 21, 2023 at 10:04 a.m.

The court reporter is Joan Applegate, I am Cameron Dunn, the videographer, on behalf of Dunn Reporting Services, Incorporated. This deposition is being audio and video recorded at all times unless specified to go off the record.

Would all present please identify themselves and would the reporter please swear in the witness.

MS. ZERNER: Good morning. This is Bridget Zerner for Plaintiff, Kira Wahlstrom.

MS. KNIPPER: Good morning,

<p style="text-align: right;">Page 6</p> <p>1 Christine Knipper for the Defendants, 2 Attorney Hoey and the Law Offices of David 3 Hoey. I'm at 260 Franklin Street in Boston, 4 and with me in the room is Attorney John 5 Liberty, an attorney with my firm, and 6 Attorney David Hoey. 7 I can represent that none of us are 8 recording this deposition by any other means, 9 and I am doing so at the request, as I 10 understand it, of the witness to confirm 11 that. 12 MR. TAYLOR: Hi, good morning. This 13 is William Taylor here from the Law Firm of 14 Troutman Pepper. We represent the Keenan 15 Kids Foundation in this litigation, and as 16 Attorney Knipper just referred to, there was 17 a request from the witness today to confirm 18 that there's no other recording methods going 19 on. There's none other, no recording methods 20 going on on my behalf or pursuant to my 21 direction, and there's nobody else in my 22 office other than me, and to my knowledge 23 there is nobody else from my -- appearing on 24 behalf of my client -- no. There's nobody</p>	<p style="text-align: right;">Page 7</p> <p>1 else appearing on behalf of my client. 2 MR. O'CONNOR: Jack O'Connor. I 3 represent Don Keenan and the Keenan Law Firm, 4 and I make the same silly representation that 5 the witness has asked all of the lawyers to 6 make here today. 7 MS. ZERNER: Oh, go ahead, 8 Mr. Sobczak. I was going to put the issue 9 on record, but if you want to say something 10 first, go ahead. 11 MR. SOBCZAK: I was going to finish 12 the introduction and put my objection on the 13 record. I am Chris Sobczak, I am the non- 14 party subpoenaed witness here who received a 15 subpoena for this deposition in January of 16 this year in which the only method of 17 recording was notified as stenographer. 18 Subsequently, there was issues in 19 this case as to certain parties that are 20 currently still refusing to put their video 21 on, objecting to this being done by Zoom. 22 Therefore I should request a 71 conference, 23 motion practice ensued and Court allowed this 24 deposition to be done by Zoom.</p>
<p style="text-align: right;">Page 8</p> <p>1 Subsequently, today I learned that 2 the same party is requesting that this to be 3 video-recorded of which I received no notice 4 until today. I just received an e-mail from 5 one of the defendant's counsel that allegedly 6 was sent to me a couple of weeks ago, but 7 sent to no other party in this case or no 8 other lawyers the same e-mail. Therefore, I 9 will be seeking a protective order concerning 10 this video and any other recording given the 11 history of the party and some lawyers 12 involved of modifying and manipulating other 13 evidence. 14 But we will proceed subject to the 15 stipulation that was agreed, that for time 16 being until Court rules on my motion for 17 protective order, which I will be requesting 18 a conference for once it's completed, will be 19 addressed by the Court, and the only party 20 maintaining the recordings are the commercial 21 third parties, Dunn Reporting Services and 22 the court reporter. 23 MS. ZERNER: Okay, Mr. Sobczak. Do 24 you want to add in Chris, Miss Knipper?</p>	<p style="text-align: right;">Page 9</p> <p>1 MS. KNIPPER: Yes. We cross-noticed 2 the deposition on March 3. We sent it to 3 Mr. Sobczak. We also sent the cross-notice 4 of deposition to all the other counsel of 5 record. We received no objections from 6 Mr. Sobczak to our cross-notice of 7 deposition, and the fact that it was videoed. 8 As was discussed extensively off the record, 9 we reached out to the clerk and sent an 10 e-mail for a ruling on whether or not it can 11 be videoed in the interim. It is being 12 videoed with the assent of Mr. Sobczak, but 13 the court reporter will hold onto the video 14 until there's a ruling. 15 And I will also just say we 16 disagree, lest our silence be misconstrued, 17 with Mr. Sobczak's very handed accusations 18 that are being made. 19 MR. SOBCZAK: And I guess, just to 20 correct the record, since we are on the 21 record, it's not with assent. I do not 22 assent or consent to this audio-video 23 recording. I am proceeding in a good faith 24 effort to -- so we don't waste any more</p>

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<p>1 time until further ruling by the Court, 2 since I was ready to start at 9:25 to 3 complete this deposition, and it was the 4 defendant's failure to notice this and 5 properly serve the subpoena that's causing 6 all this extra delay. 7 MS. ZERNER: Okay. Again, Bridget 8 Zerner for the plaintiff. I'm not recording 9 this in any way, and as I alerted everyone 10 off the record, my law student that is 11 working for our firm, Meaghan Lamar may join 12 just to observe the deposition and I'll alert 13 you call when she enters the room, if she 14 does. 15 All right. Is everybody ready to 16 go? 17 KRZYSZTOF G. SOBCZAK, a witness 18 called for examination by counsel for the 19 Plaintiff, being first duly sworn and 20 properly identified, was examined and 21 testified as follows: 22 E X A M I N A T I O N 23 BY MS. ZERNER: 24 Q. Good morning, Mr. Sobczak.</p>	<p>1 A. Good morning. 2 Q. Could you state your full name for the 3 record. 4 A. Krzysztof Drago Sobczak. 5 Q. And can you -- where are you appearing from 6 today? 7 A. I am in my home office in Newton, 8 Massachusetts. 9 Q. All right. 10 And are you a solo practitioner? 11 A. I am. 12 Q. How long have you been practicing law? 13 A. Since 2010. 14 Q. How long have you been a solo practitioner? 15 A. I went out on my own full-time in I believe 16 2017. Prior to that, I worked for two other 17 firms. I had some of my own cases on the 18 side as well. 19 Q. And what were the two other firms you worked 20 for? 21 A. Out of law school I worked for Halstrom Law 22 Offices in Boston, and subsequently I worked 23 for the Law Office of David J. Hoey, P.C. 24 Q. And the first law firm you mentioned, during</p>
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<p>1 what period of time did you work for them? 2 A. I started working for them while I was still 3 in law school, so I believe 2008, 2009, 4 2010 time frame. I don't remember my exact 5 date of hire, but it was as a law clerk, and 6 upon graduation I worked for them full-time. 7 Upon being sworn in in Massachusetts Bar, I 8 worked for them full-time as an attorney for 9 approximately three years. 10 Q. And so what year did you start working for 11 Hoey Law? 12 A. I believe in 2013 or '14. Probably '14. 13 Q. And so did I hear correctly that you worked 14 for Hoey Law from 2014 to some point in 15 2017? 16 A. That's very likely, yes. 17 Q. And what position were you hired for by Hoey 18 Law? 19 A. Initially I was hired as a trial attorney 20 with what Mr. Hoey called trial basis because 21 he had a couple of medical malpractice trials 22 going to trial, and neither he nor any of the 23 other lawyers in his office were willing or 24 wanted to try it, so I said I'll try him.</p>	<p>1 After a short trial period, I pretty much 2 came in as a full-time trial attorney, and 3 then continued as his head of litigation 4 department until we separated sometime in I 5 believe early 2017. 6 Q. And I believe I've seen e-mails where your 7 signature lines says Director of Litigation 8 Department? 9 A. Yes. 10 Q. Is that what you -- 11 A. Sorry, I apologize. 12 Q. That's okay. Is that what you were referring 13 to when you said "head of litigation 14 department"? 15 A. Yes. From the beginning our arrangement was 16 unique because Mr. Hoey didn't have any 17 benefits for his employees, so I was paid as 18 a 1099 as opposed to a W-2 employee. But 19 upon, I guess, advice from his mentor, 20 Mr. Keenan, he told him that it doesn't look 21 good if the people that work for you don't 22 seem like they work for you, so he re-branded 23 and changed letterheads multiple times. At 24 some point he decided to break up the firm</p>

1 COMMONWEALTH OF MASSACHUSETTS
2 COUNTY OF ESSEX
3

4 I, Joan Applegate, a Certified
5 Shorthand Reporter and Notary Public in and
6 for the Commonwealth of Massachusetts, do
7 hereby certify that the foregoing deposition
8 was taken before me on the date herein before
9 set forth; that the witness named in the
10 deposition, prior to being examined, was by
11 me first duly sworn; that said deposition was
12 taken before me at the time and place herein
13 set forth, and was taken down by me in
14 shorthand and therefore after transcribed
15 into typewriting under my direction and
16 supervision; that said deposition is a true
17 record of the testimony given by the witness
18 and of all objections made at the time of the
19 examination.

20 I further certify that I am neither
21 counsel for nor related to any party to said
22 action, nor in any way interested in the
23 outcome thereof.

24 IN WITNESS HEREOF, I have subscribed
my name and affixed my seal this 10th day of
April, 2023.

Joan Applegate
Certified Shorthand Reporter
Notary Public

My commission expires:
March 3, 2028.